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July 26, 2012

Via ECF

Honorable I. Leo Glasser
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Tyquan Myrick v. City of New York, et al.
12 CV 2411 (ILG) (JO)

Dear Judge Glasser:

This firm represents Plaintiff Tyquan Myrick, in connection with the above referenced matter. I write to advise the Court that the plaintiff has decided to voluntarily dismiss the instant action against defendant Prabhjot Sekhon,¹ and did file a notice of dismissal to that effect earlier today in accordance with Fed. R. Civ. P. 41(a)(1)(A)(i). *See Blaize-Sampeur v. McDowell*, 05 Civ. 4275, 2007 U.S. Dist. LEXIS 47408, at *6-*9 (E.D.N.Y. June 29, 2007) (Rule 41 allows a plaintiff to withdraw an action as to fewer than all defendants); *Cordis Corp. v. Siemens-Pacesetter, Inc.*, 682 F. Supp. 1200, 1201 (S.D. Fla. 1987) (voluntary dismissal against defendants who have not yet served an answer or motion for summary judgment is permitted even though the case might remain pending against other defendants); *Plains Growers, Inc. v. Ickes-Braun Glasshouses, Inc.*, 474 F.2d 250, 253 (5th Cir. 1973) (plaintiff is entitled to dismissal by notice against one defendant even though action against another defendant would remain pending). *Cf. Slotkin v. Brookdale Hosp. Ctr.*, 377 F. Supp. 275, 278 (S.D.N.Y. 1974) (where dismissal of action is sought as to less than all defendants, it should be by motion served on all parties who have appeared). It is perhaps important to note that none of the named defendants has appeared in this matter.

¹ Plaintiff primarily brought claims against defendant Prabhjot Sekhon for malicious prosecution. However, it appears from further investigations conducted by our office that the criminal case against the plaintiff was adjourned in contemplation of dismissal on June 3, 2010, in accordance with NY CPL 170.55, and was eventually dismissed on or about December 2, 2010. Accordingly, plaintiff hereby withdraws any and all claims against the remaining defendants for malicious prosecution.

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Thank you for your time and consideration in this regard.

Respectfully submitted,

/s/

Ugochukwu Uzoh

cc: Honorable James Orenstein, United States Magistrate Judge
Max Oliver McCann, Assistant Corporation Counsel